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REMARKS

Applicant respectfully requests reconsideration of this Patent Application, particularly in view of the above Amendment and the following remarks.

No additional fee is required for this Amendment as the number of independent claims has not changed, and the total number of claims has not changed.

Request for Telephone Interview

Applicant kindly requests the Examiner to contact the undersigned at (847) 490-1400 to schedule a telephone interview, to discuss the merits of this Patent Application.

Amendment to the Claims

Applicant has amended Claims 1, 7 and 13 to clarify that the step of using the set of characteristics and automatically generating recommendations occur in the automated data processing device. Support for this Amendment can be found at pages 7 and 9 and in FIGS. 1 and 2. Applicant has amended Claim 5 to correct a typographical error. No new matter has been added to the claims by this Amendment.

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Claim Objection

Claim 5 has been objected to because it depended from itself. Applicant has corrected Claim 5 to properly depend from Claim 4.

Claim Rejections - 35 U.S.C. §101

Claims 1-8 and 13-16 have been rejected under 35 U.S.C. §101, for the reasons set forth at pages 2-3 of the Office Action.

Examiner has identified that Claims 1-8 and 13-16 recite a computerized method in the preamble. However, the Examiner stated that such a recitation is a nominal tie and not accorded patentable weight. Applicant has strengthened this tie by amending Claims 1, 7 and 13 to clarify that the step of using the set of characteristics and automatically generating recommendations occur in the automated data processing device.

Applicant believes that the above Amendment and comments overcome the rejection of Claims 1-8 and 13-16.

Double Patenting

The Examiner has rejected Claims 1-16 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-18

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of U.S. Patent 6,701,298. Applicant has enclosed a suitable Terminal Disclaimer that renders the subject rejection moot.

Conclusion

Applicant intends to be fully responsive to the outstanding Office Action. If the Examiner detects any issue which the Examiner believes Applicant has not addressed or resolved in this response, Applicant's undersigned attorney requests a telephone interview with the Examiner.

Applicant sincerely believes that this Patent Application is now in condition for allowance and, thus, respectfully requests early allowance.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Kevin D. Erickson'.

Kevin D. Erickson
Registration No. 38,736

Pauley Petersen & Erickson
2800 West Higgins Road
Suite 365
Hoffman Estates, Illinois 60169
(847) 490-1400
FAX (847) 490-1403